



Attorney Docket No. 1148/039

ifw
3736
\$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group 3736

:

PATENT APPLICATION

Examiner M. Astorino

:

In re application of

:

**SYSTEM FOR MONITORING HEALTH,
WELLNESS AND FITNESS**

TELLER ET AL

:

Serial No. 09/923,181

:

Filed August 6, 2001

:

INFORMATION DISCLOSURE STATEMENT

09/08/2005 EAYALEW1 00000072 09923181

Pittsburgh, Pennsylvania 15222

01 FC:1806

180.00 DP

September 1, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. §§1.51, 1.56, 1.97 and 1.98, the art identified on attached form PTO-1449 enclosed herewith is being cited in connection with the captioned application. The applicants hereby request the Examiner to review and make an independent evaluation of the art. By filing this Information Disclosure Statement, the applicants are not admitting that any reference actually qualifies as prior art, and applicants reserve the right to argue that any reference does not qualify as prior art should they deem it necessary to do so. Copies of the following references are provided:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

September 1, 2005

Date of Deposit

Barry L. Friedman

Name of Person Signing

Signature

Halleck et al., United States Patent No. 6,734,802

Freeman et al., United States Patent Application Publication No. 02/0019296

Owen et al., United States Patent Application Publication No. 03/0055460

Health Hero Network, Inc., PCT Publication No. 01/26547

Health Hero Network, Inc., PCT Publication No. 01/28416

Health Hero Network, Inc., PCT Publication No. 01/28495

Health Hero Network, Inc., PCT Publication No. 01/39089

Health Hero Network, Inc., PCT Publication No. 01/52718

Health Hero Network, Inc., PCT Publication No. 01/56454

Health Hero Network, Inc., PCT Publication No. 01/82783

Health Hero Network, Inc., PCT Publication No. 01/82789

Health Hero Network, Inc., PCT Publication No. 01/89365

Health Hero Network, Inc., PCT Publication No. 01/89368

University of Technology, Sydney, PCT Publication No. 02/69798

Fidelak, German Patent No. DE19911766A1

"Thermal Gap Fillers," Kent Young, February 6, 2001 (*article downloaded from www.chomerics.com*)

THERM-A-GAP, Chomerics Technical Bulletin No. 70, February 6, 2001.

"CoolPoly, the Original Thermally Conductive Polymer," February 7, 2001 (*article downloaded from www.coolpolymers.com*)

Micro-Foil Heat Flux Sensors, RdF Corporation Catalog No. HFS-A, March 1998.

Industrial Micro-Foil Heat Flux Sensor, RdF Corporation Datasheet No. HFS-B, October 1995.

Industrial/Commercial Micro-Foil Heat Flux Sensor, RdF Corporation Catalog No. HFS-C, December 1999.

Weight Watchers TurnAround, Weight Watchers, 2004 (*downloaded from www.weightwatchers.com*)

Weight Loss Programs, Jenny Craig, 2004 (*downloaded from www.jennycraig.com*)

The Complete Nutrition & Weight Management Solution Based on Your Unique Metabolic Fingerprint & Goals, BalanceLog, 2004 (downloaded from www.healthetech.com)

What is FitDay?, FitDay, 2004 (downloaded from www.fitday.com)

"A combined heart rate and movement sensor: proof of concept and preliminary testing study," K. Rennie, T. Rowsell, S.A. Jebb, D. Holburn & N.J. Wareham, 2000.

Enclosed is a check in the amount of \$180.00 for the fee to file this Information Disclosure Statement. Should this amount be improper or insufficient, the Commissioner is hereby authorized to charge any additional amounts or credit any overpayment to our Deposit Account No. 50-0525.

Applicants believe that their SYSTEM FOR MONITORING HEALTH, WELLNESS AND FITNESS as described and claimed in the present application is neither taught nor suggested by this art. Accordingly, applicants' invention is believed to be patentable over these references.

Respectfully submitted,

By 

Barry I. Friedman, Esq., Reg. No. 33,695
Metz Lewis LLC
11 Stanwix Street, 18th Floor
Pittsburgh, Pennsylvania 15222

John A. Monocello, Esq., Reg. No. 51,022
BodyMedia, Inc.
4 Smithfield St., 11th Floor
Pittsburgh, Pennsylvania 15222

(412) 918-1100

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY DOCKET NO.

1148/039

SERIAL NO.

09/923,181

Teller et al.

FILING

August 6, 2001

GROUP

3736

SEP 06 2005

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,734,802	5/11/04	Halleck et al.			
	2002/0019296	2/14/02	Freeman et al.			
	2003/0055460	3/20/03	Owen et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	00/47108	8/17/00	PCT				
	00/51543	9/8/00	PCT				
	00/52604	3/6/00	PCT				
	01/08554	2/2/00	PCT				
	01/26535	10/10/00	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Thermal Gap Fillers, Kent Young, February 6, 2001 (article downloaded from www.chomerics.com)
		THERM-A-GAP, Chomerics Technical Bulletin 70, February 6, 2001
		CoolPoly, the Original Thermally Conductive Polymer, February 7, 2001 (article downloaded from www.coolpolymers.com)
		Micro-Foil Heat Flux Sensors, RdF Corporation Catalog No. HFS-A, March 1998

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Use several sheets if necessary)

SERIAL NO. 09/923,181

Teller et al.

FILING
August 6, 2001

GROUP	3736
-------	------

U.S. PATENT DOCUMENTS

EXAMINER
INITIALS

DOCUMENT NUMBER

DATE _____

NAME _____

CLASS

SUBCLASS

FILING DATE
IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER

DATE _____

COUNTRY

CLASS

SUBCLASS

TRANSLATION

YES

NO

01/56454

2/2/01

PCT

01/82783

4/30/01

PCT

01/82789

5/4/01

PCT

01/89365

5/24/01

PCT

01/89368

5/25/01

PCT

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

The Complete Nutrition & Weight Management Solution Based on Your Unique Metabolic Fingerprint & Goals, BalanceLog, 2004 (downloaded from www.healthetech.com)

What is FitDay?, FitDay, 2004 (downloaded from www.fitday.com)

"A combined heart rate and movement sensor: proof of concept and preliminary testing study," K. Rennie, T. Rowsell, S.A. Jebb, D. Holburn & N.J. Wareham, 2000.

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY DOCKET NO.

1148/039

SERIAL NO.

09/923,181

Teller et al.

FILING

August 6, 2001

GROUP

3736

U.S. PATENT DOCUMENTS

EXAMINER INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	02/69798	9/12/02	PCT				
	DE19911766A1	9/28/00	Germany				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.